

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED TARIFF OF BOONE COUNTY WATER) CASE NO.
AND SEWER DISTRICT FOR SEWER CAPACITY FEE) 91-374

O R D E R

On October 4, 1991, Boone County Water and Sewer District ("Boone District") filed a proposed tariff establishing a sewer capacity fee and conditions of service for all new customers served in its southeast system. Boone District has requested expedited approval of its tariff.

The proposed sewer capacity fee is the subject of other proceedings before the Commission.¹ Prior to August 21, 1991, Boone District had assessed this fee without placing it in its published rate schedules or obtaining Commission authorization. Boone District contends that the proposed fee is not within Commission jurisdiction, but has submitted the proposed schedule to avoid further Commission sanctions and delay in residential and commercial development.

Based upon its review of the proposed tariff and being otherwise sufficiently advised, the Commission finds that further proceedings are necessary in order to determine the reasonableness

¹ Case No. 90-108, Americoal Corporation vs. Boone County Water and Sewer District; and Case No. 91-220, An Investigation of Boone County Water and Sewer District's Alleged Failure to Comply With KRS 278.160(2).

of the proposed rate schedule and that such proceedings cannot be completed prior to the proposed effective date. Pursuant to KRS 278.180(1), the Commission finds good cause to allow the proposed sewer capacity fee to become effective on October 24, 1991. However, the proposed fee should be effective and collected subject to refund with interest in the event that the Commission, after investigation, finds that the proposed sewer capacity fee is unfair, unjust or unreasonable. The remaining provision of the proposed tariff which is entitled "Conditions of Service," cannot be placed into effect except upon 30 days notice to the Commission, which will be November 3, 1991. KRS 278.180(1).

IT IS THEREFORE ORDERED that:

1. Boone District's proposed sewer capacity fee set forth in its tariff P.S.C. No. 1, Original Sheet No. 24, shall become effective and collected subject to refund with interest for service rendered on and after October 24, 1991.

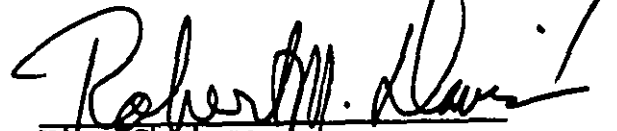
2. The other provision of Boone District's proposed tariff P.S.C. No. 1, Original Sheet No. 24, entitled "Conditions of Service," is suspended pursuant to KRS 278.190(2) up to and including April 2, 1992.

3. Boone District shall maintain its records in regard to the sewer capacity fee in such manner as will enable it, or the Commission, or any of its customers to determine the amounts to be refunded and to whom due in the event a refund is ordered.

Done at Frankfort, Kentucky, this 22nd day of October, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director